

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GREGORY HARDY,

Plaintiff,

vs.

Case No. 02-40255

HONORABLE PAUL V. GADOLA  
HONORABLE STEVEN D. PEPE

ROBERT VIETA,

Defendant

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**ORDER RESOLVING PLAINTIFF'S MOTION FOR CLARIFICATION (DKT. #151)**

All pretrial proceedings have been referred to the undersigned pursuant to 28 U.S.C §636 (b)(1)(A) and (B). Plaintiff's Motion for Clarification (Dkt. #151) is resolved as described below.

Plaintiff's motion for clarification sought a more definitive answer regarding the production of Defendant Vieta's criminal record and information regarding an April 1997 suspension that was referenced in the documents Plaintiff received following the undersigned's *in-camera* inspection of Defendant Vieta's employment file. As indicated in the Court's January 31, 2007, Order (Dkt. #148), the Court has been informed that Defendant Vieta has no relevant criminal record for production. The undersigned has again reviewed the documentation relating to Defendant Vieta's April 1997 suspension. This suspension did not relate to Defendant Vieta's treatment of a prisoner nor his propensity for truthfulness or lack thereof. Therefore, it is not relevant to these proceedings or his ability to testify truthfully and shall not be produced to Plaintiff.

SO ORDERED.

Dated: April 30, 2007  
Flint, Michigan

s/Steven D. Pepe  
United States Magistrate Judge

**Certificate of Service**

I hereby certify that on April 30, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Kevin R. Himebaugh, John S. LeRoy, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: not applicable

s/James P. Peltier  
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